

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

In re:) Case No. 17-17361
)
RICHARD M. OSBORNE,) Chapter 7
)
Debtor.) Judge Arthur I. Harris

**TRUSTEE'S MOTION FOR PRODUCTION OF DOCUMENTS BY ZACHARY B.
BURKONS, AS RECEIVER OF RECEIVERSHIP PROPERTY**

Kari B. Coniglio (the “Trustee”), the interim chapter 7 trustee for the bankruptcy estate of Richard M. Osborne (the “Debtor”), moves for an order requiring Zachary B. Burkons, as Receiver of Receivership Property¹ (“Burkons”) to produce certain documents on or before **Tuesday, August 27, 2019 at 5:00 PM ET** or another date and time that is mutually agreeable to the Trustee and Burkons.

Rule 2004(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) provides for the production of documents on issuance of an appropriate subpoena in accordance with Rule 45 of the Federal Rules of Civil Procedure (the “Rules”), which is made applicable to this proceeding by Bankruptcy Rule 9016. The Trustee is prepared to issue a subpoena requesting the production of documents identified on Exhibit 1 in accordance with Bankruptcy Rule 9016 on entry of an order pursuant to Bankruptcy Rule 2004.

The Trustee seeks documents in Burkons’ possession and control that relate to the financial affairs of the Debtor, property of the Debtor’s estate, and matters which may affect the administration of the estate. Specifically, the documents requested by the Trustee seek

¹ “Receivership Property” means all property owned by the Debtor, the Richard M. Osborne Trust, Junior Properties, Ltd., Rigotona Trust, Chowder Gas Storage Facility, LLC, Lake Shore Gas Storage, Inc., Orwell-Trumbull Pipeline, Co., LLC, Heisley Hopkins, Inc., Black Bear Realty, Ltd., and Hamilton Parties, Inc., and as that term is defined and used in the Judgment Entry, dated November 21, 2017, *Richard M. Osborne, et al. v. Park View Federal Savings Bank n/k/a First National Bank of Pennsylvania*, No. CV 14 822810, Court of Common Pleas of Cuyahoga County, Ohio.

information related to the portion of the Debtor's property under Burkons' control as Receiver of Receivership Property. The specific documents requested are identified on Exhibit 1.

The documents in Burkons' possession and control are necessary for the Trustee to administer the Debtor's estate. According to Schedule A/B, the Debtor has an interest in over one hundred properties and has membership interests in over two hundred entities, some of which own real property. Since the Trustee was appointed on July 3, 2019, she has identified several discrepancies between the Schedules and what is occurring in practice. For instance, Schedule A/B lists 5580 Woodside Rd. LLC, which the Debtor has a 100% membership interest, as inactive, but the Debtor is currently seeking to collect \$12,500.00 from this entity [Doc. No. 493]. The Trustee has also learned that the Debtor ignored business formalities, transferring money and property between the entities with little documentation. With the information requested in this request for documents, the Trustee can better understand the Debtor's financial condition.

WHEREFORE, the Trustee requests that the Court (1) order Burkons to produce to the Trustee at 200 Public Square, Suite 1400, Cleveland, Ohio 44114 the documents requested in connection with the subpoena on or before **Tuesday, August 27, 2019 at 5:00 PM ET** or another date and time that is mutually agreeable to the Trustee and Burkons, and (2) deem the provisions of Rule 45(a)(4) satisfied by the filing of this motion.

Respectfully submitted,

/s/ Patrick R. Akers

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Trustee's Motion for Production of Documents by Zachary B. Burkons, as Receiver of Receivership Property* was served via the Court's Electronic Case Filing System on July 25, 2019 on the following who are listed on the Court's Electronic Mail Notice List:

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